

UNITED STATES DISTRICT COURT

District of

Delaware

UNITED STATES OF AMERICA

V.

William Love

Defendant

ORDER OF DETENTION PENDING TRIAL

Case CL06-14-JJF

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
 an offense for which the maximum sentence is life imprisonment or death.
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____ *

a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

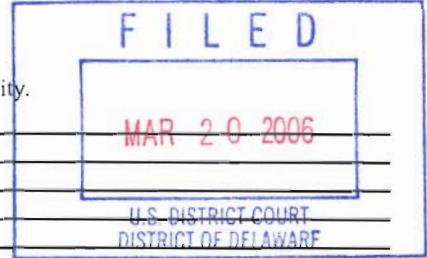
Alternative Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.
 under 18 U.S.C. § 924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

(1) There is a serious risk that the defendant will not appear.
(2) There is a serious risk that the defendant will endanger the safety of another person or the community.



Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence a preponderance of the evidence Defendant did not oppose detention. The present charges under 21 USC Sect. 841 (a) & 843 (possession with intent to to distribute heroin and use of a communication facility to facilitate distribution of heroin) carry the rebuttable presumption.

Defendant was recently employed as a carpenter which ended when he was arrested on a VOP and placed in custody with the DOC. Defendant is an admitted heroin user starting at age 19 years. Defendant is presently 27 years old. Although defendant claimed that he has never received any treatment for substance abuse, Superior Court records show that he was ordered to participate in treatment as part of his past probation.

The government's evidence against defendant is substantial which included surveillance. Further, 43 bags of heroin were found in his vehicle. at the time of his arrest, defendant was on probation for conviction of possession of a firearm by a person prohibited and receiving a stolen firearm. On February 6, 2006, a state warrant was issued for VOP (absconding from /failure to appear for probation). In Sept. 2001, defendant was convicted of burglary 2nd and for that offense was found in VOP two times. In 2001, defendant was found guilty of theft of a firearm and placed on probation. He was found in VOP on one occasion for that offense. His criminal history begins in 1994. In light of defendant's admitted drug usage, his limited work history, his past criminal history which includes a number of weapons offenses and the fact that he was on state probation at the time of these serious drug offenses, all support defendant's detention as a risk of flight and danger to the community.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

March 20, 2006
Date

Signature of Judicial Officer

Mary Pat Thyne, Magistrate Judge

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).